



US Army Corps
of Engineers
Portland District

INFORMATIONAL PUBLIC NOTICE

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Applications for Permits: When applying for a Department of the Army (DA) permit from the U.S. Army Corps of Engineers, specific information must be provided for your application to be considered complete. Applicants applying for a DA individual permit must use the recently revised DA permit application form (ENG 4345) or the Oregon Joint Permit Application (JPA). The JPA should be used when also applying for permits from the Oregon Department of State Lands, Oregon Department of Environmental Quality, and/or the Oregon Department of Land Conservation and Development.

Filling out the form completely is essential to the timely processing of your application. Applicants for all individual DA permits must include the following in their application as specified at 33 CFR 325(d):

- 1) Complete description of the proposed activity including necessary drawings, sketches or plans sufficient for public notice (detailed engineering plans and specifications are not required); the location, purpose and need for the proposed activity; scheduling of the activity; the names and addresses of adjoining property owners; the location and dimensions of adjacent structures; and a list of authorizations required by other federal, interstate, state, or local agencies for the work, including all approvals received or denials already made. Plans must be black and white and on 8.5 x 11-inch sized paper; larger plans and/or color plans can be provided for review use only.
- 2) All activities which the applicant plans to undertake which are reasonably related to the same project and for which a DA permit would be required should be included in the same permit application. District engineers should reject, as incomplete, any permit application which fails to comply with this requirement. For example, a permit application for a marina will include dredging required for access as well as any fill associated with construction of the marina.
- (3) If the activity would involve dredging in navigable waters of the United States, the application must include a description of the type, composition and quantity of the material to be dredged, the method of dredging, and the site and plans for disposal of the dredged material.
- (4) If the activity would include the discharge of dredged or fill material into the waters of the United States or the transportation of dredged material for the purpose of disposing of it in ocean waters, the application must include the source of the material; the purpose of the discharge, a description of the type, composition and quantity of the material; the

method of transportation and disposal of the material; and the location of the disposal site. Certification under section 401 of the Clean Water Act is required for such discharges into waters of the United States. In Oregon, 401 Certifications are issued by the Oregon Department of Environmental Quality except when the discharge would occur on Tribal reservation lands. The US Environmental Protection Agency is responsible for issuing 401 Certifications on Tribal reservation lands.

5) If the activity would include the construction of a filled area or pile or float-supported platform the project description must include the use of, and specific structures to be erected on, the fill or platform.

6) If the activity would involve the construction of an impoundment structure, the applicant may be required to demonstrate that the structure complies with established state dam safety criteria or that the structure has been designed by qualified persons and, in appropriate cases, independently reviewed (and modified as the review would indicate) by similarly qualified persons. No specific design criteria are to be prescribed nor is an independent detailed engineering review to be made by the district engineer.

7) For activities involving discharges of dredged or fill material into waters of the United States, the application must include a statement describing how impacts to waters of the United States are to be avoided and minimized. The application must also include either a statement describing how impacts to waters of the United States are to be compensated for or a statement explaining why compensatory mitigation should not be required for the proposed impacts.

8) The application must be signed by the person who desires to undertake the proposed activity (i.e., the applicant) or by a duly authorized agent. When the applicant is represented by an agent, that information will be included in the space provided on the application or by a separate written statement. The signature of the applicant or the agent will be an affirmation that the applicant possesses or will possess the requisite property interest to undertake the activity proposed in the application, except where the lands are under the control of the Corps of Engineers, in which cases the district engineer will coordinate the transfer of the real estate and the permit action. An application may include the activity of more than one owner provided the character of the activity of each owner is similar and in the same general area and each owner submits a statement designating the same agent.

9) If the activity would involve the construction or placement of an artificial reef, as defined in 33 CFR 322.2(g), in the navigable waters of the United States or in the waters overlying the outer continental shelf, the application must include provisions for sitting, constructing, monitoring, and managing the artificial reef.

An application will be determined to be complete when sufficient information is received to issue a public notice (See 33 CFR 325.1(d) and 325.3(a)). The issuance of a public notice will not be delayed to obtain information necessary to evaluate an application.

In addition to the information indicated above in paragraphs 1 through 9, the applicant will be required to furnish only such additional information as the district engineer deems essential to make a public interest determination including, where applicable, a determination of compliance with the section 404(b)(1) guidelines or ocean dumping criteria. Such additional information may include environmental data and information on alternate methods and sites as may be necessary for the preparation of the required environmental documentation.

Item number 7 above regarding a mitigation statement for activities involving discharges of dredged or fill material into waters of the United States is a new requirement. The mitigation statement shall address the proposed avoidance and minimization and the amount, type, and location of any proposed compensatory mitigation, including any out-of-kind compensation, or indicate an intention to use an approved mitigation bank or in-lieu fee program. If compensatory mitigation is not being proposed, a statement must be included explaining why compensatory mitigation should not be required for the proposed impacts. The level of detail must be commensurate with the scope and scale of the impacts.

The Oregon Joint Permit Application form can be obtained at http://www.oregon.gov/DSL/PERMITS/forms.shtml#Permit_Application_Forms. This form should be used when also applying for permits from the Oregon Department of State Lands, Oregon Department of Environmental Quality, and/or the Oregon Department of Land Conservation and Development.

The DA application form can be obtained at <http://www.nwp.usace.army.mil/op/g/docs/documents/ENG4345a.pdf> or http://www.usace.army.mil/CECW/Pages/reg_permit.aspx

Questions regarding applications for a DA permit should be directed to the Corps' project manager assigned to the county in which the project is located. A list of the telephone numbers by county assignment may be found at <http://www.nwp.usace.army.mil/op/g/contact.asp>. Questions may also be directed to our main telephone number in Portland at (503) 808-4373 or in Eugene at (541) 465-6868.